REMARKS

Claims 1-6 are pending in this application. In the Office Action, Claims 1 and 4 were rejected under 35 U.S.C §103(a) as being unpatentable over Publication US 2002/0126675 A1 (Yoshimura et al.) in view of Publication US 2007/0076723 A1 (Chen) and further in view of Publication US 2004/0152422 A1 (Hoglund et al).

The Examiner's allowance of Claim 6 and finding of allowable subject matter in Claims 2, 3 and 5 is gratefully acknowledged. Reconsideration and withdrawal of the rejection of Claims 1 and 4 is respectfully requested for the following reasons.

In regard to a failure of the combination of Yoshimura et al. and Chen to disclose or suggest "that the delay adjuster determines transmission order based on a ratio of real-time traffic to total traffic arrived at each session," the Office Action (bottom of page 4) alleges that it is well known in the art that real-time traffic is delay-sensitive and resources are allocated in order to minimize such delay, citing ¶ 0027 of Hoglund et al. as allegedly disclosing "apportioning transmission resources based on the ratio of expected real-time traffic to the total traffic that can be handled." (Office Action, bottom of page 4.)

However, each of Claims 1 and 4, which are the rejected independent claims, recites that the delay adjuster determines, *based on a ratio of real-time traffic to total traffic arrived at each session*, transmission order so that the real-time traffic is transmitted preferentially over the non-real-time traffic. That is, in the pending claims the determination is made based on traffic that has *arrived at each session*. In contrast, ¶ 0027 of Hoglund et al. cited by the Examiner refers to a grouping of traffic types "into either non real-time and real-time traffic." In contrast to the delay adjuster that determines, *based on a ratio of real-time traffic to total traffic arrived at each session*, transmission order so that the real-time traffic is transmitted preferentially over the non-real-time traffic, as in the rejected claims, Hoglund et al. reserves "network capacity of a cell to non real-time traffic [so that] a congestion of the cell capacity by real-time traffic during heavy load can be prevented.

For at least the above reasons, the combination of Yoshimura et al., Chen and Hoglund et al. fails to disclose or suggest each recitation of Claims 1 and 4. Accordingly, the rejection must be withdrawn.

Accordingly, Claims 1-5, are believed to be in condition for allowance. Claim 6 has been allowed. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicants' attorney at the number given below.

Respectfully submitted,

Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Blvd., Ste. 701
Uniondale, New York 11553
(516) 228-3565